

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

REGINALD RICE,

Plaintiff,

v.

AMERICAN NATIONAL RED CROSS,

Defendant.

No. 2:23-cv-1333-MCE-KJN

ORDER

(ECF Nos. 11, 12)

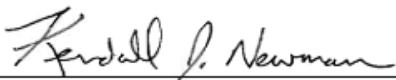
On January 9, 2024, the court held a hearing on defendant's motions to compel. (ECF Nos. 11, 12.) Defendant seeks responses to its request for production of documents (set one) and interrogatories (set one), served on plaintiff on July 28, 2023; to date, plaintiff has failed to respond to these discovery requests. (See id.) Plaintiff also failed to respond to defendant's motions, and counsel arrived late to the January 9th hearing—where he indicated the non-responses (stretching from July of 2023 to January of 2024) were due to intra-office issues. (See id.) Thus, defendant seeks Rule 37 monetary sanctions. See Fed. R. Civ. P. 37(a)(5)(A) (requiring payment of the movant's attorney's fees for making a discovery motion that is ultimately granted, unless the movant failed to obtain the discovery without court intervention, the nondisclosure was substantially justified, or other circumstances make a fee award unjust).

For the reasons discussed at the hearing, it is HEREBY ORDERED that:

1. Defendant's motions to compel (ECF Nos. 11, 12) are GRANTED;

2. Plaintiff shall serve full and complete responses to the interrogatories and requests for production, without objection (save for any attorney-client privilege objections, which may be asserted alongside a privilege log), within two weeks of this order;
3. Defendant's request for Rule 37 fees is GRANTED. Plaintiff's counsel shall pay to defense counsel \$1,000 in sanctions within two weeks of this order; plaintiff's counsel shall not pass these fees along to his client; and
4. Plaintiff is warned that continued failure to respond to discovery or adhere to the Federal Rules of Civil Procedure, the court's Local Rules, or California's ethical rules will result in more severe sanctions, including possible dismissal of the case.

Dated: January 10, 2024


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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